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7 Attorney for Defendant

8 BENJAMIN MANUEL CUNNINGHAM

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11 (HON. BARRY T. MOSKOWITZ)

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 BENJAMIN MANUEL CUNNINGHAM (4),

16 Defendant.

) Case No.: 08CR0286-BTM

) NOTICE OF MOTION AND MOTIONS  
) FOR:

) (1) DISCOVERY  
) (2) AND LEAVE TO FILE FURTHER  
) MOTIONS

) Date: March 7, 2008

) Time: 1:30 p.m.

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20 TO: PLAINTIFF UNITED STATES ATTORNEY, AND ITS ATTORNEY OF RECORD,  
21 UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF  
22 CALIFORNIA:

23 PLEASE TAKE NOTICE that at the above designated time and place defendant,  
24 BENJAMIN MANEUL CUNNINGHAM, will move the court for an order compelling discovery  
25 and to suppress statements in the instant case with respect to the items set forth in the attached  
26 memorandum of law, based upon the constitutional, statutory and  
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1 judicial authorities cited herein. Defense counsel will further move the court for leave to file  
2 further motions herein as may be warranted by discovery materials produced in the case.

3 Said motions are based upon the instant motion, the attached memorandum of law and on  
4 such evidence and argument as may be presented at the hearing on the motion.  
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8 Respectfully submitted,

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10 Dated: February 25, 2008

11 S/ MICHAEL J. MESSINA  
12 MICHAEL J. MESSINA  
13 Attorney for Defendant  
14 BENJAMIN MANUEL CUNNINGHAM  
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